

FILED BY *JE* D.C.

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ROBERT R. DI IROLIO
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W.D. OF TN, MEMPHIS

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

OLIVIA MYART,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

NO. 05-2060 D/An

ORDER DENYING MOTION FOR JURY TRIAL

Before the Court is Plaintiff's Motion for Jury Trial filed on March 7, 2005.¹ For the reasons set forth below, the Motion is **DENIED** without prejudice.

Plaintiff failed to file a Certificate of Consultation as required by Local Rule 7.2(a)(1)(B) of the Local Rules of the United States District Court for the Western District of Tennessee.

Local Rule 7.2(a)(1)(B) provides:

Consultation by Counsel. All motions, including discovery motions, but not including motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a certificate of counsel (with one copy) affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion. Failure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion.

The certificate must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to

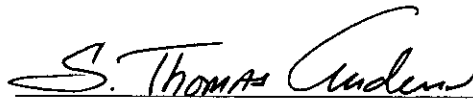
¹ Although Plaintiff filed the instant motion while acting *pro se*, Mr. James E. King, Jr. has since entered a Notice of Appearance on behalf of Plaintiff.

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cooperate in the conduct of a conference, counsel must file certificate to that effect, setting out counsel's efforts to comply with this rule.

The Local Rules for the Western District of Tennessee also require that all motions filed in the Court shall be "accompanied by a supporting memorandum of facts and law." Local Rule 7.2(a)(1) for the Western District of Tennessee. Plaintiff failed to file a supporting memorandum of facts and law with this Motion. Finally, Plaintiff failed to file a proposed order as required by Rule 7.2(a)(1)(A) of the Local Rules of the United States District Court for the Western District of Tennessee. Therefore, for these reasons, the Motion is **DENIED** without prejudice. Plaintiff is free to re-file this motion after complying with Local Rules.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: May 25, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02060 was distributed by fax, mail, or direct printing on May 25, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT